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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/447,179	11/22/1999	BARRY O'DRISCOLL	34647-00407U	3497

7590

06/21/2002

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EXAMINER

TRINH, SONNY

ART UNIT

PAPER NUMBER

2681

DATE MAILED: 06/21/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/447,179

Applicant(s)

O'DRISCOLL, BARRY

Examiner

Sonny TRINH

Art Unit

2681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 November 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Information Disclosure Statement*

1. The information disclosure statement filed on 05/15/00, paper no. 2 has been considered and placed in the application file.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. **Claims 1-3, 13-15, and 24** are rejected under 35 U.S.C. 102(a) as being anticipated by Chan et al. (Chan; US Patent Number 5,850,445).

Regarding **claims 1 and 13**, Chan discloses a method and system for monitoring authentication performance in a wireless communication network (abstract), comprising the steps of:

sending an authentication report order message to a mobile switching center in said wireless communication network (figure 8, column 11), said authentication report order message including at least one authentication parameter (column 9);

determining whether an access request made to said wireless communication network is authenticated based on said at least one authentication parameter (column 11, lines 24-61); and

if said access request is authenticated based on said at least one authentication parameter, said mobile switching center transmitting an authentication report (figure 11, column 16 line 64 to column 18 line 13).

Regarding **claims 2 and 14**, Chan further discloses the step of transmitting an acknowledgment message responsive to said authentication report order message (figure 8, column 11, specifically lines 36-44).

Regarding **claims 3 and 15**, Chan further discloses the authentication report order message comprises a Global Challenge Report Directive message (column 11).

Regarding **claims 12 and 24**, Chan further discloses the transmitting step comprises transmitting said authentication report to an external network node (figure 3, column 11 lines 24-61).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 4-5, 7, 16-17, 19** are rejected under 35 U.S.C. 103(a) as being unpatentable over Chan et al. (Chan; US Patent Number 5,850,445) in view of Bugnon et al. (Bugnon; US Patent Number 6,397,056).

Regarding **claims 4 and 16**, Chan discloses the invention except for the Global Challenge Report Directive message is formatted in accordance with an ANSI-41

protocol. In an analogous art, Bugnon teaches a system and method for reducing network signaling load in a radio telecommunications network. Bugnon further teaches the Global Challenge Report Directive message (columns 1-2) is formatted in accordance with an ANSI-41 protocol (column 9 lines 4-17).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use, within the system of Chan, the ANSI-41 protocol, as taught by Bugnon, in order to obtain the invention as specified in claims 4 and 16. The motivation for doing so would be to adhere to standard format for system compatibility.

Regarding **claims 5 and 17**, Bugnon teaches the ANSI-41 protocol (column 9 lines 4-17) and further teaches the Registration Notification Return Result message ("REGNOT", column 5 lines 32-41).

Regarding **claims 7 and 19**, Bugnon teaches the ANSI-41 protocol (column 9 lines 4-17) and further teaches the Authentication Directive message (column 6 line 63 to column 7 line 6).

4. **Claims 6 and 18** are rejected under 35 U.S.C. 103(a) as being unpatentable over Chan et al. (Chan; US Patent Number 5,850,445) in view of Nguyen et al. (Nguyen; US Patent Number 6,301,473).

Regarding **claims 6 and 18**, Chan discloses the invention except for the authentication report order message comprises an ANSI-41 Qualification Directive message. In an analogous art, Nguyen teaches a call transfer activation indicator in a

radio telecommunications network. Nguyen further teaches the ANSI-41 Qualification Directive message ANSI-41 Qualification Directive message (column 3 lines 1-27).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use, within the system of Chan, the ANSI-41 protocol and Qualification Directive, as taught by Nguyen, in order to obtain the invention as specified in claims 6 and 18. The motivation for doing so would be to adhere to standard format for system compatibility.

5. **Claims 8-11, 20-23** are rejected under 35 U.S.C. 103(a) as being unpatentable over Chan et al. (Chan; US Patent Number 5,850,445).

Regarding **claims 8-11 and 20-23**, Chan discloses the invention except for the ANSI-41 standard messages such as the Directive Response message, the Global Challenge report message, the Authentication Status report message, the ANSI-41 network. However, these are standard ANSI-41 messages and the Examiner takes Official Notice of such standard format. The motivation for using a standard format is to eliminate misunderstanding between manufacturers.

#### ***Citation of Pertinent Prior Art***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Inventor	Publication	Number	Disclosure
Jacobs	US Patent	6,173,174	Method and apparatus for automated SSD updates on an A-Key entry in a mobile telephone system.
Jacobs et al.	US Patent	6,226,511	Method and apparatus for configuration center operations in a mobile telephone system.

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Veerasamy et al.	US Patent	6,236,852	Authentication failure trigger method and apparatus.
Chang et al.	US Patent	5,329,573	Arrangement for obtaining authentication key parameters in a cellular mobile telecommunications switching network.

### **Conclusion**

**Any response to this action should be mailed to:**

*Commissioner of Patents and Trademarks*

*Washington, D.C. 20231*

**or faxed to:**

*(703) 872-9314, (for formal communications intended for entry, for informal or draft communications, please label "PROPOSED" or "DRAFT")*

*Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).*

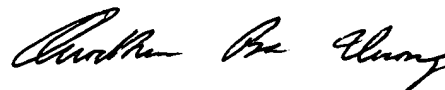
*Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sonny Trinh whose telephone number is (703) 305-1961. The examiner can normally be reached Monday through Thursdays from 7:00 am to 4:00 p.m., and on alternate Fridays.*

*Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is 703-306-0377.*

*Sonny Trinh S.T.*

PATENT EXAMINER

6/17/02



QUOCHIEN VUONG  
PATENT EXAMINER

**Attachment for PTO-948 (Rev. 03/01, or earlier)**  
**6/18/01**

**The below text replaces the pre-printed text under the heading, "Information on How to Effect Drawing Changes," on the back of the PTO-948 (Rev. 03/01, or earlier) form.**

**INFORMATION ON HOW TO EFFECT DRAWING CHANGES**

**1. Correction of Informalities -- 37 CFR 1.85**

New corrected drawings must be filed with the changes incorporated therein. Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin. If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings **MUST** be filed within the **THREE MONTH** shortened statutory period set for reply in the Notice of Allowability. Extensions of time may NOT be obtained under the provisions of 37 CFR 1.136(a) or (b) for filing the corrected drawings after the mailing of a Notice of Allowability. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

**2. Corrections other than Informalities Noted by Draftsperson on form PTO-948.**

All changes to the drawings, other than informalities noted by the Draftsperson, **MUST** be made in the same manner as above except that, normally, a highlighted (preferably red ink) sketch of the changes to be incorporated into the new drawings **MUST** be approved by the examiner before the application will be allowed. No changes will be permitted to be made, other than correction of informalities, unless the examiner has approved the proposed changes.

**Timing of Corrections**

Applicant is required to submit the drawing corrections within the time period set in the attached Office communication. See 37 CFR 1.85(a).

Failure to take corrective action within the set period will result in **ABANDONMENT** of the application.